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# भारत का राजपत्र
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

The following Bill was introduced in the Rajya Sabha on the 3rd December 1969:—

BILL No. XXIX OF 1969

*A Bill further to amend the Drugs and Cosmetics Act, 1940.*

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Drugs and Cosmetics (Amendment) Act, 1969. Short title.

23 of 1940.

2. In the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act), in section 1,— Amendment of section 1.

(*i*) **in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted;**

(*ii*) to sub-section (3), the following proviso shall be added, namely:—

"Provided that in relation to the State of Jammu and Kashmir, Chapter III shall take effect only from such date after the commencement of the Drugs and Cosmetics (Amendment) Act, 1969, as the Central Government may, by notification in the Official Gazette, appoint in this behalf.".

3. In section 3 of the principal Act, clause (*d*) shall be omitted. Amendment of section 3.

Insertion of new section 3A.

**4. After** section 3 of the principal Act, the following section shall be inserted, namely:—

Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.

"3A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.".

Repeal and saving.

**5.** (*1*) On and from the date on which any of the provisions of the principal Act take effect in the State of Jammu and Kashmir, the corresponding provisions, if any, contained in the Jammu and Kashmir Drugs Act, 2000, shall stand repealed. Jammu and Kashmir Act 20 of 2000 (1940 AD).

(*2*) The repeal of any provisions contained in the Jammu and Kashmir Drugs Act, 2000, under sub-section (*1*), shall not affect—

(*a*) the previous operation of the provisions so repealed or anything duly done or suffered thereunder;

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed;

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:

Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and now extended to the State of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

The Drugs and Cosmetics Act, 1940, at present, does not extend to the State of Jammu and Kashmir. The subject-matter of that Act falls also under entry 19 of the Concurrent List which has been made applicable to that State only in 1967 by the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1967. It is now proposed to extend the Drugs and Cosmetics Act, 1940, to the State of Jammu and Kashmir, so as to ensure uniformity in the matter of enforcement of standards of drugs and cosmetics manufactured in the country.

2. The Bill seeks to achieve the above object.

NEW DELHI;
*The 24th September*, 1969.

K. K. SHAH.

## FINANCIAL MEMORANDUM

According to the Drugs and Cosmetics Act, 1940, the State Governments enforce the control measures relating to manufacture, distribution and sale of drugs and cosmetics and the Central Government regualtes the importation of drugs and cosmetics. For enforcing the provisions relating to importation of drugs and cosmetics under Chapter III of the said Act, there is already an existing organization. By the extension of the Act to the State of Jammu and Kashmir by clause 2(i) of the Bill, no additional appreciable expenditure is likely to be involved since the existing organization itself could be utilised in relation to the State of Jammu and Kashmir also. However, some expenditure towards miscellaneous items like travelling allowance, etc., may have to be incurred. The expenditure on this account is not likely to exceed rupees one thousand per annum. There will be no non-recurring expenditure.

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B. N. BANERJEE,
*Secretary.*

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